

17.04.100 – General procedures for applications

A. Who is Authorized to Apply

An application for a Variation or Appeal may be filed by the owner or lessee of the subject property, or by an agent or contract purchaser with specific written authorization from the owner. An application for a Map Amendment, Special Use or Planned Unit Development may be filed by the owner of the subject property, by an agent, contract purchaser or lessee with specific written authorization from the owner, or by the City. If the City files the application, it need not have authorization from the property owner. An application for a Text Amendment or Zoning Interpretation may be filed by any property owner, resident, or business owner within the City, or by the City.

B. Filing of Applications

Applications shall be submitted on forms provided by the City and shall be filed in such number as the instructions provide. Applications shall include the information and plans specified in Appendix A (Submittal Items). Additional information may be required by the Director of Community Development, Building and Code Enforcement Division Manager, Historic Preservation Commission, Plan Commission, Board of Zoning Appeals, or City Council to determine whether the application will conform to the applicable requirements.

(Ord. 2008-Z-32 § 6.)

C. Completeness

The Director of Community Development or Building and Code Enforcement Division Manager shall determine whether the application is complete and the required fees have been paid in accordance with Appendix B, and shall notify the applicant of any deficiencies. The City is under no obligation to notice for a public hearing, conduct a full application review, or to place the application on a public meeting agenda until all required submittal items, including filing fees, have been received. Once an application is deemed complete, the application shall be reviewed and scheduled for consideration by the appropriate staff and review bodies.

(Ord. 2008-Z-32 § 6.)

D. Withdrawal of Application

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a City official, City Council, Commission or Board. Such withdrawal shall be in writing. There will be no refund of fees unless the withdrawal is made prior to the time the City has determined the application is complete and prior to scheduling of public meetings and/or commencement of formal review of the application.

E. Successive Applications

Within one (1) year of the date of denial of an application, a subsequent application for the same property that makes the same request shall not be reviewed or heard unless there is substantial new evidence available, the restriction that prevented its approval has been amended, or if a significant mistake of law or fact affected the prior denial. Such subsequent application shall include a detailed statement of the grounds justifying its consideration. The Director of Community Development shall make a determination as to whether the subsequent application is making essentially the same request. If the Director of Community Development finds that there are no grounds for consideration of the subsequent application, he/she shall summarily, and without hearing, deny the request.

F. Dismissal of Dormant Applications

The Director of Community Development may dismiss any application submitted under this Title if: the application is incomplete and the applicant has been notified of deficiencies and has not responded or provided a timeline for completing the application within six months from the time of notification, or the applicant has not responded in writing to a request for information or documentation within six months from the date of the request, including a request for a deposit for the reimbursement of costs and fees. The Director of Community Development shall notify the applicant in writing of the intent to dismiss the application at a date one month from the date of the written notice.

(2011-Z-1 : § 2)